

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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YITZCHOK SCHWARTZ, etc.,

Plaintiff,

- v -

HARRY E. COHN & ASSOCIATES, P.C., et al.,

Defendants.  
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**ORDER**

CV-05-6069 (DLI)(VVP)

By letter dated March 1, 2007, the defendants seek reconsideration of the court's Order dated February 27, 2007. The plaintiff opposes the motion by letter dated March 2, 2007. "A motion for reconsideration ... is appropriate where the court has overlooked 'controlling decisions or factual matters that were put before it on the underlying motion ... and which, had they been considered, might have reasonably altered the result before the court.'" *Hayles v. Advanced Travel Management Corp.*, No. 01 Civ. 10017 (BSJ), 2004 WL 117597 at \*1 (S.D.N.Y. Jan. 26, 2004) (quoting *Greenwald v. ORB Communications & Mktg., Inc.*, 00 Civ.1939, 2003 WL 660844, \*1 (S.D.N.Y. Feb.27, 2003)). It is not an opportunity for a party "to advance new facts, issues or arguments not previously presented to the Court." *Id.* (quoting *Gjoni v. Home Depot Inc.*, 99 Civ. 1849, 2002 WL 91623, \*1 (S.D.N.Y. Jan. 23, 2002)). These limitations are designed to ensure finality and to prevent motions from reconsideration from becoming vehicles by which a losing party may then plug the gaps of a lost motion with additional matters. *Zoll v. Jordache Enterprises Inc.*, No. 01 Civ. 1339, 2003 WL 1964054, at \*2 (S.D.N.Y. April 24, 2003), quoting *Carolco Pictures, Inc. v. Sirota*, 700 F. Supp. 169, 170 (S.D.N.Y.1988).

The defendants' arguments here rest entirely on new facts, issues and arguments. Indeed, the plaintiff's initial application sought precisely the relief the defendants now ask the court to reconsider, and the defendants voiced no opposition to that part of the application in their response. Now that the relief sought by the plaintiff, to which no objection was lodged, has been granted, permitting the defendants to relitigate the matter would completely undermine the policies that underlie the limitations placed on motions for reconsideration. The motion must therefore be denied.

**SO ORDERED:**

*Viktor V. Pohorelsky*

VIKTOR V. POHORELSKY  
United States Magistrate Judge

Dated: Brooklyn, New York  
February 27, 2007